

SUPPLEMENTAL SECURITY INCOME

STATE SSI ADMINISTRATION POLICY

STATE OF WISCONSIN
DEPARTMENT OF HEALTH AND FAMILY SERVICES
DIVISION OF DISABILITY AND ELDER SERVICES

JANUARY 1, 2004

Contact Person:
State SSI Coordinator (608) 266-6890
Recipient Services (800) 362-3002
<http://dhfs.wisconsin.gov/ssi/>

STATE SSI ADMINISTRATION POLICY

TABLE OF CONTENTS

PREFACE

Purpose	1
Background	1
Organization	2
Companion Documents	2

PART ONE: STATE SSI POLICY ADMINISTRATION FOR RECIPIENTS OF BOTH FEDERAL AND STATE SSI PAYMENTS

Personal Eligibility	3
Non-Financial Eligibility.....	3
Financial Eligibility	3
Effective Date	4
State SSI Payment Levels.....	4
Method of Payment	4
Relationship Between State SSI and Medical Assistance (MA)	4
Termination of State SSI	5
Movement of State SSI Recipients Out of State.....	5
Losing State SSI Eligibility Due to SSA COLA Increases	5
503 Status Provisions.....	5
Termination of State SSI-E Payments.....	5
Termination Date	6
Eligibility Review by the SSA Department of Health and Family Services (DHFS) - Disability Determination Bureau (DDB)	6
Appeals and Due Process	6
10 Day Notice Requirement	7

Information Included in Notices of Adverse Action	7
Advocacy Resources During an Appeal	8
State SSI Payments While an Appeal is Pending	8
Continuation of Medicaid Eligibility While a Disability-Related Appeal is Pending.....	8
Overpayment Policy	8
Non-Receipt of State SSI Checks	9
Lost or Stolen State SSI Checks	9
Request for Written Verification of State SSI Monthly Payment Amount	9

TABLE OF CONTENTS

PART TWO: STATE SSI POLICY ADMINISTRATION FOR RECIPIENTS OF STATE-ONLY SSI PAYMENTS

Personal and Financial Eligibility	10
Effective Date	11
State-Only SSI Payment Levels	11
Method of Payment	11
Relationship Between State-Only SSI and Medicaid	11
Termination From State-Only SSI Due to Unearned Income	11
Termination From State-Only SSI Due to Earned Income.....	12
1619(b) Medicaid Work Incentive Program for State-Only SSI Recipients.....	12
Additional Reasons for Termination from State-Only SSI	13
Moves Out of State.....	13
Termination From Grandfathered State-Only Status	13
Eligibility and Termination of SSI-E	13
Termination Date	14
Monthly Review of Unearned Income.....	14
Annual Eligibility Review for State-Only SSI Benefits	14
Appeals and Due Process	15
State-Only SSI Payment Continuation While Appeal is Pending	15
Dismissal of Appeals	15
Timeliness of Appeals	15
Notice of Termination	16
Advocacy Resources During An Appeal.....	16
Establishing a Representative Payee For State-Only Benefits.....	16

STATE SSI ADMINISTRATION

PREFACE

PURPOSE

The purpose of the State SSI Supplement is to provide a cash supplement to all Wisconsin residents who receive Federal SSI. State SSI Supplement payments are authorized by state statute at Wis. Stats., Ch. 49.77 and 49.775. Most SSI recipients receive both Federal and State SSI payments. However, in Wisconsin about 10 percent of SSI recipients receive only a State SSI payment.

This policy manual is intended to assist your understanding of the policies and procedures that guide the Department of Health and Family Services (DHFS) in its administration of the State SSI Supplement.

BACKGROUND

Supplemental Security Income (SSI) guarantees cash assistance to low income persons aged 65 and older and to persons who have not yet reached age 65 who are blind or disabled and unable to engage in substantial gainful activity (SGA).

SSI was authorized nationally in 1972 as Title XVI of the Social Security Act and became effective in 1974. Federal SSI has uniform nationwide financial and nonfinancial eligibility requirements.

Federal SSI payments are administered by the federal government through the Social Security Administration (SSA). Any person may apply for Federal SSI at a SSA district office or by calling the SSA's toll-free number (800-772-1213). Refer to <http://s3abaca.ssa.gov/pro/foi/foi-home.html> to locate any SSA district office by zip code.

Federal law gives states the option to administer their own State SSI Supplement or to contract with the SSA to administer the payment for the state. Beginning January 1, 1996, Wisconsin began to administer its own State SSI Supplement. At the same time, eligibility for the State SSI Supplement for new applicants who were not eligible for a Federal SSI cash payment was eliminated from state law. Approximately 17,000 recipients of SSI who were receiving only a State SSI payment at that time were granted "grandfathered eligibility status."

Currently, the only means by which a person who is not among those who maintain their grandfathered status may begin to receive a State SSI Supplement is by first obtaining eligibility for Federal SSI cash benefits. If a person is found eligible for Federal SSI, he or she is automatically eligible for State SSI and information about the person's eligibility is transferred from the SSA to DHFS to begin the State SSI payment.

The reader is advised that while the Department of Health and Family Services administers its own State SSI payment, it does so in concert with the Federal Social Security Administration. Especially as it pertains to eligibility determinations, maintenance of payment and identifying information and terminations and appeals for recipients who receive both Federal and State SSI payments, information sharing is constant. Electronic communication of information occurs weekly via the State Data Exchange.

Payment levels for the State SSI Supplement are based on a combination of factors, including marital status, living arrangement and income. Additionally, some State SSI recipients are certified by county agencies for increased payment amounts under the SSI-Exceptional Expense Supplement or Caretaker Supplement provisions of state law. The State SSI Supplement, unlike Federal SSI, is not indexed annually to reflect a cost of living adjustment. Appendix A contains State SSI payment levels for 2004.

The Department of Health and Family Services contracts with EDS, a private data processing firm, to maintain State SSI Supplement recipient files and produce monthly State SSI payments and related client notices. EDS also provides a toll-free Recipient Services line (800-362-3002) to respond to recipient inquiries. Recipient Services is open between the hours of 8:00 A.M. and 4:30 P.M., Monday through Friday.

ORGANIZATION

This manual is divided into two sections:

1. State SSI Policy Administration for Recipients of both Federal and State SSI Payments.
2. State SSI Policy Administration for Recipients of State-Only SSI Payments.

COMPANION DOCUMENTS

Important companion documents that describe eligibility policy and procedures for the SSI Exceptional Expense Supplement payment and Caretaker Supplement payment are available on the SSI Program website at <http://dhfs.wisconsin.gov/ssi>.

PART 1

STATE SSI POLICY ADMINISTRATION FOR RECIPIENTS OF BOTH FEDERAL AND STATE SSI PAYMENTS

PERSONAL ELIGIBILITY

1. To become eligible for State SSI Supplement, a person must first apply for and be found eligible to receive Federal SSI. Only those individuals who were receiving only a State SSI Supplement, and not a Federal SSI payment, as of December 1995 and who continue to maintain their “grandfathered State-Only SSI status” are excluded from this requirement.
2. To qualify for Federal SSI and thereby automatically become eligible for the State SSI Supplement, an applicant must meet Federal SSI financial and non-financial eligibility requirements.

Non-Financial Eligibility

The requirements for SSI non-financial eligibility are that a person must be 65 years of age or older or blind or disabled. He or she must meet the SSA’s test for U.S. citizenship or meet immigrant status requirements and be a resident of the U.S. In order to receive the State SSI Supplement, a person must reside in Wisconsin.

Financial Eligibility

To meet the financial qualifications for SSI a person must achieve and maintain the following financial criteria:

- Have assets that are not more than \$2,000 for an individual or \$3,000 for a couple. The following assets/properties are to be excluded such as:
 - Own home if the person resides there.
 - A car with a market value of less than \$4,500.
 - Life insurance policies of no more than \$1,500.
 - Household goods and personal belongings of no more than \$2,000.
 - Burial plot and a burial fund of not more than \$2,000 per person.

The recipient must have a monthly income that is not more than the applicable Federal maximum SSI payment level, plus \$20. (In 2004 maximum Federal SSI payment levels, plus disregards, were \$564.00 for an individual and \$846.00 for a couple.)

Effective Date	The effective date for receiving State SSI is the date an applicant becomes eligible for Federal SSI. In some instances, many months may pass before the SSA completes an individual's eligibility review and determination. However, once the SSA finds a person eligible for Federal SSI, the SSA will make retroactive SSI payments to the person for all the months in which they were eligible to receive Federal SSI. The State SSI program will also pay retroactive State SSI payments beginning the month when an individual became eligible for federal SSI payments.
State SSI Payment Levels	SSI payment levels effective January 1, 2004, by living arrangement, are in Appendix A. A monthly State SSI payment may include as many as three components: State SSI payment, Exceptional Expense Supplement and Caretaker Supplement.
Method of Payment	Recipients may receive State SSI payment in the form of a paper check mailed to their address or that of their representative payee or they may opt for electronic funds transfer (EFT) of their payment to a personal savings or checking account at a financial institution. Recipients who receive both a Federal SSI payment and a State SSI payment who opt for EFT must provide their bank account number and bank routing number for SSA payment to occur. Note: When a recipient opts for EFT of Federal SSI benefits, his or her State SSI payment must also be made electronically.
Relationship Between State SSI and Medical Assistance (MA)	Any Wisconsin resident who is eligible for Federal or State SSI is also eligible for Wisconsin Medicaid, also referred to as Medical Assistance (MA) or Title XIX. Medicaid is a health care benefit that covers a wide range of medical, therapeutic and supportive care. Recipients receive a monthly identification card which must be presented when covered services are provided.
Termination of State SSI	Because eligibility for State SSI is based on eligibility for Federal SSI, a person who loses his or her Federal SSI eligibility will also be terminated from the State SSI Supplement. (See Section 2 for specific eligibility information for State-Only SSI recipients.)

Other factors that may result in the loss of State SSI Supplement:

1. Admission to a nursing home longer than 90 days, effective the first of the month following the 90th day after admission.
2. Incarceration.
3. Move out-of-state.
4. Voluntary withdrawal from the SSI Program by a recipient.
5. Placed in a nonpayment status for 12 months or longer.
6. Increase in unearned income due to a federal cost of living adjustment (COLA) for a recipient of Social Security or Social Security Disability Insurance (SSDI) benefits.

**Movement of
State SSI
Recipients
Out of State**

If a Federal and State SSI recipient moves out of state, the recipient must report such movement to Federal SSA and to DHFS at 1-800-362-3002.

**Losing State
SSI Eligibility
Due to SSA COLA
Increases**

Annually the federal government applies a Cost of Living Adjustment (COLA) to Social Security and Social Security Disability Insurance (SSDI) benefits. These COLA increases may cause ineligibility for State SSI benefits.

**503 Status
Provisions**

Under the State SSI 503 status provisions, persons who lose their State SSI eligibility due to the federal government's Cost of Living Adjustment (COLA) will maintain their Medical Assistance (MA) coverage for three months. Before the end of three months the individual must contact his or her county human or social services department to apply for ongoing MA eligibility.

**Termination of
State SSI-E
Payments**

State SSI-E recipients will be terminated from the SSI-E Supplement when DHFS receives a SSI-E decertification action from a county agency.

NOTE: All SSI-E recipients must meet all Federal eligibility criteria for SSI before they can be certified for the SSI-E Supplement. In some instances before January 1, 1996, a person who is certified by the county for SSI-E may not receive a regular monthly SSI payment. This nonreceipt of monthly SSI payments does not effect SSI-E certification. If a person in a nonpayment or SSI suspense status re-enters current SSI pay status and is SSI-E certified, he/she will be paid using the SSI-E living arrangement payment standard.

Termination Date A recipient will receive one additional monthly State-Only SSI payment after any month in which he or she is found ineligible for State-Only SSI.

Eligibility Review by the SSA DOH-DDB The SSA and the Department's Disability Determination Bureau (DDB) will periodically review SSI cases to determine a person's continuing eligibility for Federal and State SSI. The SSA's role is to review recipients' continued financial eligibility. The frequency and type (in-person or mail) of such reviews is dictated by the SSA. The DDB's role is to determine whether people who receive Medicaid or Federal or State SSI because of disability continue to meet disability standards. The frequency of DDB's review depends upon the likelihood of medical improvement, whether the person seeks work and DDB's workload. Such periodic reviews of financial eligibility or continuing disability may result in termination from the SSI Program.

Appeals and Due Process Recipients of the State SSI Supplement have the right to appeal any administrative action that adversely affects their State SSI Supplement. The rights of recipients to appeal includes, but is not limited to, the following:

- State SSI benefits are denied.
- State SSI benefits are suspended.
- State SSI benefits are reduced.
- A recipient's eligibility is terminated.
- State SSI benefits are incorrectly determined.

Recipients of Federal and State SSI should appeal any adverse decision regarding their State and Federal SSI benefits to the SSA, because any action the State SSI Program took was based on a federal eligibility determinations or action. DHFS will not take adverse action in a State and Federal recipient's case until the SSA makes a decision regarding the recipient's appeal. If the hearing examiner's finding in an appeal is favorable to the recipient, the decision will be transmitted to the State SSI Program by the SSA. The State SSI Program will continue State SSI eligibility and payment to the person.

10 Day Notice Requirement

Notice of actions by DHFS that adversely affect receipt of State SSI benefits must be provided at least 10 days prior to the effective date of the action, with the following exceptions:

- a. There is factual information confirming the recipient has died.
- b. The recipient or payee has communicated in a signed written statement that the benefit is no longer desired, or has communicated this by phone and has not contradicted this communication.
- c. The recipient or payee provides information that requires adverse action and states in writing or communicates verbally that he or she knows adverse action will result.
- d. The recipient has been admitted to a nursing home or other institution and no longer qualifies for the benefit.
- e. The recipient's whereabouts are unknown and the post office returns mail with no forwarding address.
- f. There is factual information that the recipient has moved out-of-state.
- g. The action is a denial for initial eligibility for benefits.
- h. Apparent fraud by the recipient.
- i. The recipient is incarcerated.

Information Included in Notice of Adverse Action

Any notice of adverse action sent by the Department to a State SSI recipient or his or her representative payee must include the following:

- a. A statement describing the intended action.
- b. An explanation of the right to seek a hearing and how to request one.
- c. The recipient's rights and responsibilities in the hearing process.
- d. Information about the availability of free representation.
- e. A statement that if the hearing is requested within 10 days of the date on the notice of adverse action, benefits may continue until the hearing decision is made.

- f. A statement that the recipient may have to repay benefits continued during the appeal if he or she does not prevail or abandons or withdraws the appeal.
- g. The phone number and address to contact for more information, to request informal resolution or to obtain information about legal assistance regarding the pending adverse action.

**Advocacy
Resources During
an
Appeal**

**State SSI Payment
While an Appeal is
Pending**

SSI recipients who receive notice of an action by the Department that adversely affects their receipt of SSI may be eligible for free legal representation during the appeal process. A referral to an agency that provides legal services to low income residents of Wisconsin may be obtained by calling Recipient Services at 1-800-362-3002. If a Federal and State SSI recipient asks for and is granted SSI payment continuation by the SSA while an appeal is pending, the State SSI Program will follow suit and continue State SSI payments. A Federal and State SSI recipient who has a payment continuation while appealing to the SSA will, in the event of losing his or her appeal with the SSA, be required to refund to the State SSI Program all State SSI payments paid to them during the time of their appeal.

**Continuation of
Medical
Assistance (MA)
Eligibility While a
Disability-Related
Appeal is Pending**

The EDS SSI/MA Unit will continue MA eligibility during the period of time an appeal of denial of SSI eligibility due to loss of disability is pending, regardless of whether a recipient has elected to continue cash benefits during an appeal.

**Overpayment
Policy**

The State SSI Program will waive the recovery of an overpayment when recovery would impede the administration of the State SSI Program.

1. The dollar threshold for recovery of State SSI overpayment that impedes administration of the State SSI Program is \$100. Waivers under \$100 are automatic.
2. Overpayment determinations on Federal SSI payments for Federal and State SSI recipients will be determined by the SSA. Administrative rule prohibits waiver of State SSI overpayments.
3. DHFS will always attempt to recover State SSI overpayments from SSI recipients who were out-of-state or were retroactively placed in a nonpayment status

4. The recovery of State SSI overpayments from current State SSI recipients will be established at 10 percent of their monthly State SSI check, unless the recipient agrees to a larger percentage deduction.
5. State SSI recipients who are in a nonpayment status will be given the option to pay back 100 percent of the overpayment in one payment or make arrangements for monthly payments until the overpayment is recouped. If an SSI recipient who is in a nonpayment status requalifies for State SSI payments, recoupment of any overpayments will be made through withholding from their future State SSI payments.

**Non-Receipt
of State SSI
Checks**

If a State SSI recipient has not received his/her monthly State SSI check within three business days after the first of the month, the recipient must call Recipient Services to report nonreceipt of the check and DHFS shall:

1. Verify that the recipient was eligible for payment that month.
2. Verify that the recipient's correct address is on file.
3. Inform the recipient to call back after three additional business days, to allow for possible mail delays.
4. Place a stop pay on the original check if the recipient makes a call back. DHFS will issue a replacement check to the recipient in the next weekly check cycle.

**Lost or Stolen
State SSI
Checks**

Based on provisions in Wis. Stats. 20.912(5) the Department of Health and Family Services is not liable for cashed checks where a recipient claimed the check was lost, stolen or not received.

Upon receiving written notification from the recipient that a State SSI check has been stolen and that the recipient has filed a report of the theft with the police, DHFS will attempt to stop payment on the original check and may re-issue the payment to the recipient.

**Request for
Written
Verification
of State SSI
Monthly Payment
Amount**

Upon request by authorized agencies such as a State SSI recipient's representative payee, emergency assistance or housing authorities, DHFS will provide verification of a State SSI recipient's monthly State SSI payment amount.

PART 2

STATE SSI POLICY ADMINISTRATION FOR RECIPIENTS OF STATE-ONLY SSI PAYMENTS

PERSONAL AND FINANCIAL ELIGIBILITY

To be eligible for State SSI Supplement as a State-Only cash and/or Medicaid recipient, a person must meet all of the following criteria:

1. “Grandfathered” as a State-Only SSI recipient in December 1995.
2. Maintain resources that are not more than \$2,000 (cash on hand or in savings or checking accounts). The following resources are to be excluded such as:
 - * Own home if the State-Only recipient resides there.
 - * A car with a market value of less than \$4,500.
 - * Life insurance policies with a face value of not more than \$1,500.
 - * Household goods and personal belongings of no more than \$2,000.
 - * Burial plot and a burial fund of not more than \$2,000.
3. Maintain residence in the State of Wisconsin.
4. Meet program income and disability eligibility criteria.
5. Reside in an allowable living arrangement for recipients of SSI.

State-Only SSI recipients, by definition, are individuals who because of either earned or unearned income have income that is higher than the Federal SSI payment level, but lower than the combined Federal and State SSI payment level (taking into account any income disregards).

A State-Only SSI recipient may either be receiving a State-Only regular SSI payment or receiving this payment in conjunction with the Exceptional Expense Supplement or Caretaker Supplement, or both. However, effective January 1, 1996, no new certifications for the Exceptional Expense Supplement may occur in the case of individuals who were not State-Only recipients as of that date or are not Federal and State SSI recipients at the time of certification.

Effective Date	The effective date for eligibility for all State-Only SSI recipients was December 1995. However, individuals who were participating in SSA's work incentive programs or a Plan for Achieving Self-Support (P.A.S.S.) in December 1995 may, on a case by case basis, be considered for State-Only SSI recipient status. In these situations, an individual's income must be less than the combined maximum Federal and State payment level, minus disregards, that was in effect in December 1995.
State-Only SSI Payment Levels	SSI payment levels effective January 1, 2004, by living arrangement, are in Appendix A. A monthly State-Only SSI payment may include as many as three components: State SSI payment, Exceptional Expense Supplement (E Supplement) and Caretaker Supplement (CTS).
Method of Payment	Recipients may receive State-Only SSI payments in the form of a paper check mailed to their address or that of their representative payee or they may opt for electronic funds transfer (EFT) of their payment to a personal savings or checking account at a financial institution. Recipients who receive only a State SSI payment who opt for EFT must provide their bank account number and bank routing number to Recipient Services at 1-800-362-3002 for payment to occur.
Relationship Between State-Only SSI and Medical Assistance (MA)	Any Wisconsin resident who is eligible for Federal or State SSI is also eligible for Wisconsin Medicaid, also referred to as Medical Assistance (MA) or Title XIX. Medicaid is a health care benefit that covers a wide range of medical, therapeutic and supportive care. Recipients receive a monthly identification card (Forward Card) that must be presented when covered services are provided. Note: Some grandfathered State-Only SSI recipients receive Medicaid benefits, but no cash benefits. These recipients are referred to as State-Only 1619(b) recipients.
Termination from State-Only SSI Due to Unearned Income	<p>Termination of State-Only SSI payment and Medicaid will result if the recipient's monthly <u>unearned</u> income, minus a \$20 disregard, exceeds the combined amount for the following:</p> <ul style="list-style-type: none"> • The Federal SSI benefit amount (\$564 in 2004) • The State SSI benefit amount (\$83.78 in 2004) • The exceptional expense supplement (\$95.99 in 2004)

Terminations based on excess unearned income will occur monthly.

**Termination of
State SSI Cash
Benefits and
Medicaid Due to
Earned Income**

Many SSI recipients earn wages from work. Termination of SSI cash benefits will occur when a recipient who is otherwise eligible, based on unearned income and assets, has countable earned income that increases the countable total income to an amount higher than the current combined monthly amount of SSI cash benefits.

Countable earned income is defined

- The first \$65 of earned income
- ½ of the remaining earned income
- Blind work expenses
- Impairment related work expenses

Terminations from State-Only SSI cash benefits, Medicaid and grandfathered status due to earned income will occur annually.

**1619(b) Medicaid
Work Incentive
Program for State-
Only SSI
Recipients**

A State-Only SSI recipient who, because of earnings from employment, no longer meets the financial eligibility requirement for State SSI cash benefits may be placed in State 1619(b) Medicaid status. The Federal and State 1619(b) Medicaid programs allow certain former recipients of cash payments from State or Federal SSI to maintain Medicaid coverage. To obtain Medicaid eligibility under Section 1619(b) of the Social Security Act, the recipient must meet the following requirements:

1. Continue to have a disabling condition; and
2. Need Medicaid in order to work; and
3. Be unable to afford equivalent medical coverage and publicly funded personal and attendant care which would be lost without assistance; and
4. Meet all nondisability requirements for SSI other than earnings; and
5. Have been eligible to receive SSI cash payment in a previous month with the current period of eligibility.
6. Have a combined maximum gross earnings less than the “charted threshold” established by SSA or an individualized threshold determined by the State SSI Program. In 2004, the charted threshold was \$27,645.00

Additional Reasons for Termination from State-Only SSI

- The person dies.
- The person fails to complete and return the State SSI Annual Eligibility Review. Note: Persons placed in State-Only 1619(b) Medicaid status must also complete an annual eligibility review.
- The Disability Determination Bureau (DDB) has determined, during continuing disability or medical review for Medicaid, SSI or Title II (SSDI or Social Security), that a finding of disability or blindness no longer exists.

Moves Out of State

If a State-Only SSI recipient moves out-of-state, the recipient must report such movement to DHFS at 1-800-362-3002. DHFS will then note the recipient's out-of-state address change. Unless otherwise notified, DHFS will assume the change is correct and immediately place the recipient in a nonpayment status. If the recipient remains in a nonpayment status for more than 12 months the recipient will lose his or her grandfathered status. If the recipient returns to Wisconsin within 12 months, he/or she will be paid the next month following the month of his/her return to Wisconsin.

Termination From Grandfathered State-Only Status

Loss of grandfathered state-only status will result if any of the following occurs:

- The recipient dies.
- The recipient remains in non-payment status for State SSI for more than 12 consecutive months, unless the recipient has been placed in State-Only 1619(b) Medicaid status.

Eligibility and Termination of SSI-E

All State-Only SSI-E recipients must meet all eligibility criteria for State SSI before they may be certified for the SSI-E Supplement. In some instances before January 1, 1996 a person who is certified by the county for SSI-E may not receive a regular monthly SSI payment. This nonreceipt of monthly SSI payments does not effect SSI-E certification. If a person in a non-payment or SSI suspense status goes back into current SSI pay status and is SSI-E certified, he/she will be paid on the SSI-E living arrangement payment standard. Only a county agency initiated termination or decertification action will change an SSI-E recipient's eligibility status to decertified or terminated.

Termination Date	<p>A recipient will receive one additional monthly State-Only SSI payment after any month in which he or she is found ineligible for State-Only SSI. Exceptions are as follows:</p> <ul style="list-style-type: none"> • Terminations due to excess unearned income will be effective on the 1st of the month following the month in which the income is reported to the SSI program. • Terminations based on information gathered in the State SSI Annual Eligibility Survey will be effective January 1 of the following year. • Termination will be immediate when the SSI Program learns that a recipient has died, been incarcerated or placed in a nursing home.
Monthly Review of Unearned Income	<p>On a monthly basis the State SSI Program will review the unearned income received by each State-Only SSI recipient. Termination based on excess unearned income will occur monthly. The State SSI Program will use data from the Social Security Administration, State Data Exchange (SDX and BENDEX) to determine the amount of each recipient's unearned income.</p>
Annual Eligibility Review for State-Only SSI Benefits	<p>Once a year, the State SSI Program will conduct an eligibility review in the form of a written survey mailed to recipients. The annual review will also verify State-Only recipient living arrangement, income, resources, marital status, address change, and any other factors that may affect continued eligibility and payment level. The Department will verify reports of income using information provided by the State Wage and Income Compensation Agency (SWICA) report. Based on this review, the State SSI Program will adjust State SSI payment amounts and recipients may also be placed in State SSI work incentive programs such as 1619(b).</p> <p>State-Only SSI recipients who lose eligibility for State-Only SSI payment because of information gathered in the annual survey or failure to complete and return the survey will be informed in writing regarding loss of State SSI benefits and right to a hearing. Appendix B contains a sample Annual Eligibility Review Form.</p>

Appeals and Due Process

State-Only SSI recipients have a right to appeal any administrative action and decision that adversely affects their State SSI benefits. This right to a fair hearing includes the following:

- State-Only cash or 1619(b) Medicaid benefits are denied.
- State-Only SSI cash or 1619(b) benefits are suspended.
- State-Only SSI cash benefits are reduced.
- State-Only SSI benefits are incorrectly determined.

Note: State-Only SSI recipients must appeal any adverse action the Department takes regarding their State-Only SSI benefits to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. All appeals must be in writing and should include the person's Social Security Number and the reason(s) for the appeal for hearing on the adverse action.

State-Only SSI Payment Continuation While Appeal is Pending

If a State-Only SSI recipient asks for and is granted State SSI Payment Continuation by the Division of Hearings and Appeals, the State SSI Program will continue making a State SSI payment while the person's appeal is pending. A State-Only SSI recipient whose appeal is settled in favor of the Department must refund to the State SSI Program all State SSI payments he or she received while the appeal was pending.

Dismissal of Appeals

The Division of Hearings and Appeals may dismiss a request for a hearing where:

- The action contested is a result of a change in federal or state law or policy affecting a significant number of recipients (a "mass change") unless the contested issue for requesting a hearing is that the new law or policy has been incorrectly applied in this case.
- A request for a hearing was made past 45 days from the date indicated on the notice sent to the recipient.
- The petitioner or his or her representative do not appear at the scheduled hearing without good cause being shown.

Timeliness of Appeals

All requests for a hearing on an adverse action by the Department must be sent to the Division of Hearings and Appeals within 45 days from the date shown on the notice sent to the recipient.

Exceptions:

- All requests for State-Only SSI payment continuation while an appeal is pending must be received by the Division of Hearings and Appeals within 10 days from the date shown on the notice sent to the recipient.
- The State-Only SSI recipient is incarcerated.
- There is evidence of fraud.

Notice of Termination

The notice of benefit termination sent to any State-Only recipient or his/her representative payee will include the following:

- A statement describing the intended action.
- The basis for the intended action.
- The recipient's rights and responsibilities in the hearing process.
- Information about the possible availability of free legal representation.
- A statement that informs the recipient that if he or she requests a hearing before the effective date of the action State-Only SSI benefits may continue until the hearing decision is made.
- A statement that the recipient may be required to repay State-Only SSI payments that are ordered to be continued during the appeal if the recipient does not prevail or abandons or withdraws from the hearing.
- A toll free number to call to receive more information.

Advocacy Resources During an Appeal

Any SSI recipient who receives notice of an action by the Department that adversely affects his/her receipt of SSI may be eligible for free legal representation during the appeal process. A referral to an agency that provides legal services to low income residents of Wisconsin may be obtained by calling Recipient Services at 1-800-362-3002.

Establishing a Representative Payee for State-Only SSI Benefits

Representative payees for SSI recipients are established at the request of a recipient or when a recipient cannot manage his or her own SSI payment benefits. Representative payees may be either individuals, county agencies or nonprofit agencies. State-Only SSI recipients who receive SSDI or Social Security payments must refer all inquiries for establishing a representative payee to SSA. State-Only SSI recipients who do not receive SSDI or Social Security payments should contact the human or social services department in their county of residence to inquire about obtaining the services of a representative payee.

APPENDIX A

**SUPPLEMENTAL SECURITY INCOME
PAYMENT LEVELS**

SSI In Wisconsin - 2004

People in financial need who are 65 or older or people of any age who are blind or disabled may be eligible for monthly cash payments from the ***federal*** Social Security Administration (SSA) and from the ***state*** Department of Health and Family Services (DHFS). The payments are called Supplemental Security Income (SSI).

You can receive the state SSI payment only if you qualify for a federal SSI payment. (One exception is a small group of grandfathered SSI recipients who still receive the state SSI payment they qualified for in December of 1995.)

You may be eligible for SSI payments if you have little or no income and if your assets are \$2,000 or less for a single person or \$3,000 or less for a married couple. Certain assets do not count, such as your home and car.

You can apply for SSI at your nearest Social Security office. You do **not** have to apply separately for the ***state SSI payment***. You will automatically receive the state SSI payment as long as you qualify for a federal SSI payment. You will receive both SSI payments during the first week of each month.

Medical Assistance

If you receive SSI payments, you automatically qualify for **Medicaid** (Medical Assistance/ "Title 19"). A separate Medicaid application is not necessary. As long as you receive SSI, the state will authorize your Medicaid every month. You will receive a "Forward" card to show to your medical providers when you first become eligible for Medicaid.

If you also have Medicare, the state will automatically pay your out-of-pocket Medicare costs--such as Medicare premiums, deductibles and co-payments.

Food Stamps

When you receive SSI, you also may qualify for food stamps. Food stamps can help you

buy more food without having to spend other income. County Social Services/ Human Services agencies take food stamp applications. However, people who live in a household where **everyone** is applying for or receiving SSI may apply for food stamps at the Social Security Office.

Other Social Services

Additional social services are available to SSI recipients through county Social Services/ Human Services agencies. These services include:

- Homemaker and chore services
- Long term support and care
- Rehabilitation services
- Protective Services

For more information about these and other social services, contact your county Social Services/Human Services agency.

SSI Payments

The table on the back of this fact sheet shows both federal and state maximum SSI payments in 2004 for SSI recipients in different living arrangements. Not all SSI recipients receive the maximum SSI payment amounts. ***Federal*** payments may be lower if you have other income--such as Social Security retirement or Social Security disability. But not all of your other income counts toward your eligibility for SSI. Your Social Security office can give you more information about how other income affects federal SSI payment amounts.

Everyone who qualifies for a ***federal SSI payment*** of any amount automatically qualifies for the maximum ***state SSI payment***. If you lose eligibility for a federal SSI payment, you will also stop receiving the state SSI payment.

For More Information

You can get more information about **federal SSI** and how to apply by calling Social Security's toll-free number **1-800-772-1213**. You can speak to a service representative between the hours of 7 a.m. and 7 p.m. on business days.

If you have a touch tone phone, recorded information is available after 7 p.m. weekdays and all day weekends and holidays. Social Security also has an Internet address:

<http://www.ssa.gov/>

People who are hearing impaired may call the toll-free TTY number 1-800-325-0778 between 7 a.m. and 7 p.m. on business days. Phone lines are busiest the first week of the month and early in the week, so if your business can wait, it's best to call at other times.

You can get information about your **state SSI payment** by calling the State SSI toll-free number **1-800-362-3002** (voice/TTY) between the hours of 8:00 a.m. and 4:30 p.m. on business days, or Fax 1-608-221-0991.

Or you can write to DHFS / State SSI, P.O. Box 6680, Madison, WI, 53716-0680.

The State SSI Internet address is

<http://dhfs.wisconsin.gov/ssi>

You cannot apply for state SSI at this address or phone number. You must apply for SSI at your Social Security Office and you must qualify for a federal SSI payment to receive the state SSI payment.

Medicaid ID Cards: If you receive SSI and have a question about your Medicaid (Forward) card, call **1-800-362-3002**.

Living Arrangement	2003 SSI:	Federal Payment	State Payment	Total Payment
--------------------	-----------	-----------------	---------------	---------------

Independent Living

Eligible Individual		\$564.00	\$83.78	\$647.78
Eligible Couple		846.00	132.05	978.05
Couple/One Spouse Eligible		564.00	130.43	694.43

Living in the Household of Another

Eligible Individual		376.00	83.78	459.78
Eligible Couple		564.00	132.05	696.05
Couple/One Spouse Eligible		376.00	135.05	511.05

Natural Residential or Substitute Care SSI-E Exceptional Expense Supplement

Eligible Individual		564.00	*179.77	743.77
Eligible Couple		846.00	*477.41	1,323.41

SSI Caretaker Supplement

Effective November 1, 1999		*\$250 for the first eligible child and \$150 for each additional eligible child		
----------------------------	--	--	--	--

*The **SSI-E state payment** is available to **SSI recipients** who reside in certain substitute care facilities or who require additional support services in order to live independently. Only County Social Services/Human Services agencies may certify **eligible SSI recipients** for the SSI-E supplement. The **Caretaker Supplement state payment** is available to SSI recipients whose dependent children are eligible for certain types of Medicaid.



State of Wisconsin

Department of Health and Family Services

PDE-3043 December 2003

APPENDIX B

STATE SSI ANNUAL ELIGIBILITY REVIEW FORM